

REMARKS

The Office Action has been reviewed and the Examiner's comments carefully considered. No claims are amended, cancelled, or added. Thus, claims 1-22 remain pending and are submitted for reconsideration.

Claim Rejections based on Dinsdale in view of Smith.

Claims 1-6, 8-14, and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,820,898 ("Dinsdale") in view of U.S. Patent 6,846,013 ("Smith"). The rejection is traversed because a *prima facie* case of obviousness has not been established.

For example, the rejection of claim 1 is traversed because there was no motivation to combine the teachings of Dinsdale and Smith. According to the MPEP:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143.

As to the first criteria of providing a motivation, the MPEP further states:

It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983). MPEP § 2145.

In this case, the alleged motivation to combine the teachings of Dinsdale with Smith is improper because Dinsdale teaches away from the proposed combination. Specifically, Dinsdale teaches away from the use of gas tube extensions and the creation of radial gas flows. Dinsdale teaches an airbag system having a tube 120 with two spaced apart openings 170, 172. (Fig. 3 of Dinsdale). Dinsdale does not teach that the length of the tube substantially corresponds to the length of the air bag in the longitudinal direction of the vehicle. The Office Action states that it would have been obvious to extend the length of the inflator tube in order to minimize the manufacturing and assembling costs by limiting the number of inflators used to protect all desired locations. The motivation of extending the

inflator tube and the use of the specific tube of Smith is improper because the use of any gas tube extension is contrary to the teachings of Dinsdale.

Dinsdale teaches that “[t]hrough the use of [the invention of Dinsdale], cost savings may be obtained through the elimination of gas guides, complex attachment features, and redundant inflators and initiators.” (Column 5, lines 55-58 of Dinsdale.) Therefore, Dinsdale teaches that additions or extensions of gas tubes are not desired, i.e., Dinsdale is teaching away from using additions or extensions of gas tubes such as the tubes disclosed in Smith. Thus, one with ordinary skill in the art would not be motivated to use the extension tubes taught by Smith in the invention of Dinsdale because Dinsdale discloses that gas guides or complex attachment features are not desired.

In addition, Dinsdale discloses that “[m]any existing inflators eject inflation gases outward radially. As a result of this, the inflation gases are not propelled along the length of the cushion with sufficient force to reach its outer edges, but are instead largely directed into the cushion near the inflator. The outer regions of the cushion are thus inflated later than those closest to the inflator.” (Column 2, lines 17-22 of Dinsdale.) Thus, Dinsdale discloses that radial gas flows are not desired, i.e., Dinsdale teaches away from gas tubes that create a radial gas flow, while Smith teaches the use of a tube to achieve a radial gas flow (Fig. 5 of Smith). Therefore, one with ordinary skill in the art would not be motivated to combine the radial gas flow tube of Smith with the invention of Dinsdale because Dinsdale specifically teaches away from the use of radial gas flow tubes such as the tubes taught by Smith.

As to claims 9 and 20, the rejection is also improper because Dinsdale and Smith do not disclose or suggest all the features of independent claims 9 and 20. For example, claim 9 recites “wherein the elongated pipe comprises a circumferential surface and two opposite ends; a pair of igniters, wherein the igniters are positioned at the opposite ends of the tube.” Dinsdale and Smith does not teach or suggest a pair of igniters positioned at opposite ends of the tube. Dinsdale teaches two igniters 100a, 100b located on the circumferential surface of the tube 120 but not at the opposite ends near arrows 194a and 194b. (Fig. 3 of Dinsdale.) Smith does not cure this deficiency because it only teaches a single igniter 12 (Fig. 5 of Dinsdale).

Claim 20 recites “a pipe comprising a circumferential surface, two ends, and a sealed opening at each end...wherein each inflation device is positioned in one of the sealed openings located at the ends of the pipe.” Dinsdale and Smith do not teach or suggest a pair of inflation devices positioned at opposite ends of the pipe. Dinsdale teaches two inflation devices 100a, 100b located on the circumferential surface of the pipe 120 but not at the opposite ends near arrows 194a and 194b. (Fig. 3 of Dinsdale.) Smith does not cure this deficiency because it only teaches a single inflation device 12 (Fig. 5 of Dinsdale).

Claims 2-6, 8, 10-14, 16-19, and 21-22 depend from either claim 1, claim 9, or claim 20 and are therefore allowable for at least the reasons set forth above without regard to the further patentable limitations contained therein.

For at least these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Claim Rejections based on Dinsdale in view of Smith and Stevens.

Claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dinsdale in view of Smith and U.S. Patent 6,296,274 (“Stevens”). Claim 7 depends from claim 1 while claim 15 depends from claim 9. As previously mentioned, the combination of Dinsdale and Smith is improper and Dinsdale and Smith do not contain all the limitations of claim 9. Stevens does not cure these deficiencies. Thus, claims 7 and 15 are allowable for at least these reasons without regard to the further patentable limitations contained therein.

Conclusion.


Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By  39,370

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